



## ASUC Senate Meeting Agenda

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### Spring 2012 Session – Week 14

Wednesday, May 2, 2012

7:00 pm, Senate Chamber

- I. Approval of the Minutes from April 25, 2012
- II. New Business
  - SB 205 - A Bill in Support of a More Transparent and Accessible Elections Process
  - SB 206 - A Bill in Support of an Acknowledgement of Limits on Campaign Spending
  - SB 207 - A Bill in Support of an Assistant Senate Finance Officer
  - SB 208 - A Bill in Support of Replenishing the Senate Contingency Fund
- III. Guest Announcements
  - 7:30-7:45 PM ASUC Grants Department Valerie Liang
- IV. Representatives to ASUC Reports
- V. ASUC Auxiliary Report
- VI. ASUC Store Operations Board Report
- VII. Appointed Official Reports
- VIII. Executive Office Reports
  - President Vishalli Loomba
  - Executive Vice President Chris Alabastro
  - Academic Affairs Vice President Julia Joung
  - External Affairs Vice President Joey Freeman
  - Student Advocate Samar Shah
- IX. Elected Officials Announcements
- X. Standing Committee Reports
  - Finance
  - Constitutional & Procedural Review
  - University & External Affairs

XI. Consent Calendar

XII. Immediate Consideration

XIII. Old Business

XIV. Special Committee Reports

Advocacy Agenda Issues Committee #1

Advocacy Agenda Issues Committee #2

Advocacy Agenda Issues Committee #3

Temporary Committee on the Selection of the Attorney General and Solicitor General

Temporary Committee on the Selection of the Elections Council Chair

Temporary Committee on the Selection of the Greek Affairs Officer

Temporary Committee on the Selection of the Director of Environmental Sustainability

Temporary Committee on the Selection of the ASUC Recognition Awards for the Oski Leadership Awards

Temporary Committee on the Selection of the Undergraduate Rep to the SOB

Temporary Committee on the Selection of the Services Board Director

Temporary Committee on the Selection of the Commissioner of Diversity Affairs

Temporary Committee on the Selection of the Fundraising Director

Temporary Committee on Reforming Elections By-Laws

Temporary Committee on the Berkeley Students Foundation

Temporary Committee on the Selection of the Berkeley Student Cooperative Affairs Officer

Temporary Committee on Democratic Review within the Academic Senate

Committee for Public Service

ASUC Resource Workshop Planning Committee

Temporary Committee on the Selection of the Director of Disabled Students Accommodation Fund

XV. ASUC Representatives Reports

ASUC Representative to the Residence Hall Assembly

ASUC Representative to the Inter-Fraternity Council

ASUC Representative to the College Panhellenic Association

ASUC Representative to the National Pan-Hellenic Council

ASUC Representative to SUPERB

ASUC Representative to the Graduate Assembly

ASUC Representative to the Committee of Student Fees

ASUC Representative to the Re-entry and Transfer Students Association

ASUC Representative to the Student Athlete Advisory Committee

ASUC Representative to the Haas Business Students Association

ASUC Representative to the Berkeley Student Cooperative

Jengyee Liang Memorial ASUC Representative to the Engineering Student Council

ASUC Representative to the Recreational Sports Advisory Board

ASUC Representative to the Committee for Academic Opportunity

ASUC Representative to the Committee for Intellectual Community

ASUC Representative to the C.A.L. Housing Commission

ASUC Representative to the Lobby Corps Commission  
ASUC Representative to the Fall Freshman Extension Program  
ASUC Representative to the Removing Impediments to Students' Education (RISE)  
Scholarship Program  
ASUC Representative to the Ethnic Studies Fifth Account Committee  
ASUC Representative to the Committee for Educational Enhancement  
ASUC Representative to the ASUC Outstanding Student Recognition Evaluation  
Committee  
ASUC Representative to the Multi-Cultural Greek Council  
ASUC Representative to the Multicultural Fund Selection Committee  
ASUC Representative to the Chancellor's Advisory Committee on Sustainability

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**A Bill in Support of a More Transparent and Accessible Elections Process**

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**Authored by Former Senator Salahi, Former Senator Horning, Senator Ickowitz, Eric Raby  
Sponsored by Senator Ickowitz**

**WHEREAS,** Title IV, Article 1.2 currently states:

**“Equal Protection**

These by-laws are intended to ensure that each candidate is afforded an opportunity for election equal to that of any other candidate for that office...”; and

**WHEREAS,** Article VII, Section 6, Points A and B of the ASUC Constitution entitled “Campaign Finance” currently read:

- A. Executive Officer candidates and/or their parties which act in coordination with the candidate are allowed to spend up to \$1,000 on their ASUC campaign. Senate candidates and/or their parties which act in coordination with the candidate are allowed to spend up to \$200 on their ASUC campaign
- B. These provisions must be administered by a member of the Elections Council.”; and

**WHEREAS,** the above clause allows Parties to spend money on behalf of the candidate; however, neither the above clause, nor the By-Laws, articulate a transparent methodology for any body to administer these expenditures; and

**WHEREAS,** the above Constitutional clauses set a precedent for limiting spending during campaigns, but does not articulate a cap on party spending; and

**WHEREAS,** Title IV Section 5.3 of the Elections By-Laws currently reads:

**“5.3 Creation of a New Party**

Any student who wishes to create a new party can become the Party Signatory of that party by being the first person to do one of the following.

1. Submit in person to the Attorney General, a written Party Registration Form. One copy of this form will be kept with the Attorney General, and a second copy must be made available to the registrant upon request.
2. Submit to the ASUC Senate a written Party Registration Form Upon receipt of this form, the chair shall announce receipt of the form which will then be entered into the minutes.”; and

**WHEREAS,** Title IV, Section 5.8, Number 1 of the By-Laws currently reads:

**“5.8 Party Registration and Transfer of Party Signatory Forms**

1. The Party Registration Form shall include the party name, the date submitted, the name and signature of the Party Signatory, and the signature of the Attorney General or Chair of the ASUC Senate (whichever receives the form).”; and

**WHEREAS,** the Elections By-laws (Title IV) currently enumerates the process for founding parties, but does not articulate a cap on party spending; and

**WHEREAS,** a Party, as defined in Article V Section 5.1, “is any group of two or more persons who mutually agree to use the same party name”; and

**WHEREAS,** notwithstanding that Party formation is an established method of organizing around common interests and, as such, is a democratic principle that cannot and should not be undermined, may, without any limitations in an ASUC elections campaign, begin to undermine that very same democratic principle; and

**WHEREAS,** a Party, under the current By-Laws, may collect unlimited amounts of money from unknown sources of funding including, but not limited to, its own membership dues, local business contributions, corporate sponsorships, etc.; and

**WHEREAS,** a Party, under the current By-Laws, may spend unlimited amounts of money on any materials or services related or unrelated to the ASUC Elections; and

**WHEREAS,** Parties, by virtue of their function, invariably benefit the candidates running under them since Party names are attached to these candidates on the Voter’s Guide, campaign materials, and voting ballots; put another way, a party, with or without explicitly mentioning a candidate’s name, ultimately advocate on behalf of said candidate; thus, unlimited utterances of party name creates unlimited (direct and indirect) references to party candidates; and

**WHEREAS,** these unchecked activities ultimately undermine the “Equal Protection” clause articulated above, because it places candidates who do not run with a Party at a severe economic disadvantage; these independent candidates face greater restrictions than candidates who belong to parties that may spend unlimited amounts of money; thus the current structure provides an unfair advantage unto said candidates running with parties whose current finances go unchecked by the public and/or the ASUC due to the disproportionate access they have to campaign resources; and

**WHEREAS,** the mere presentation of receipts to a member of the Elections Council does not eliminate chances of underreporting or misrepresentation of expenditures; and

**WHEREAS,** United States Federal Laws regarding campaigns, titled Federal Election Campaign Laws, compiled by the Federal Election Commission already set a precedent for the motivations inhered within this bill, particularly the following clauses which read:

“The treasurer of a political committee shall  
keep an account of—

(1) all contributions received by or on behalf of such political committee;

- (2) the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person

...

(g)...

- (4) The Secretary of the Senate shall make the designations, statements, and reports received under this subsection available for public inspection and copying...and shall preserve such designations, statements, and reports...

...

(h) Campaign depositories; designations, maintenance of accounts, etc.; petty cash fund for disbursements; record of disbursements.

- (1) ...Each political committee shall maintain at least one checking account and such other accounts as the committee determines at a depository designated by such committee. All receipts received by such committee shall be deposited in such accounts. No disbursements may be made (other than petty cash disbursements under paragraph (2)) by such committee except by check drawn on such accounts in accordance with this section.”<sup>1</sup>; and

**WHEREAS,** the Federal Law cited above need not be fully emulated, but rather serves as proof that this idea is historically grounded and therefore warrants thoughtful and objective analysis in its implementation in the ASUC system;

**BE IT FURTHER RESOLVED,** that there be a Section 7.14 added to Title I, Article VII to read:

“7.14 Standing Committee on Election Finances

1. Voting members: Three (3) Senators, one from the party with a majority in the Senate, one from the second largest voting bloc, and another from the remaining third parties/independents.
2. Functions
  - (a) To conduct an audit of the finances of any registered political party or independent candidate whose aggregate expenditures total greater than \$1,000 according to candidate disclosure forms;
  - (b) If a candidate or political party fails to meet the \$1000 threshold, an audit can also be triggered by a majority vote of the Standing Committee on Elections Finances;
  - (c) Such an audit cannot be conducted prior to the completion of the Filing Period (Title IV, Article VI, Section 6.3), and must be completed prior to the reading of the Elections into the Senate Minutes (Title IV, Article XV, Section 15.1);
  - (d) To only request documentation relating to the current School Year at the time (eg. 2012-2013);

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<sup>1</sup> For the sake of brevity, full documentation can be found at <http://www.fec.gov/law/feca/feca.pdf> (Pages 13-16)

- (e) To must make the results of the audit publicly available;
- (f) Failure to comply with the requests for documentation shall be referred to the Judicial Council under Article XVIII, Section 19.5;

**BE IT FURTHER RESOLVED**, that Article V, Section 5.8, Number 1 be amended to read:

“5.8 Party Registration and Transfer of Party Signatory Forms

1. The Party Registration Form shall include the party name, the date submitted, the name and signature of the Party Signatory, and the signature of the Attorney General or Chair of the ASUC Senate (whichever receives the form). The Form must also include a statement agreeing to the provisions enumerated in Article XVIII, and Title I, Article VII, Section 7.14. The signature must also prove an understanding of the necessary Sanctions that could result of a violation of any of these provisions, as articulated in Article XVIII, Section 19.5.”

**BE IT FURTHER RESOLVED**, that there be an Article XVIII added to Title IV of the Elections By-Laws; and

**FINALLY BE IT RESOLVED**, that Article XVIII reads as follows:

#### ARTICLE XVIII – PARTY SPENDING

##### 19.1 Definition of Party Spending

Party Spending shall be defined as any transaction of money made by a party, party signatory, or member of a party, for campaign materials that bear the party name and likeness, not including materials that explicitly support a senate or executive candidate;

##### 19.2 Disclosure of Sources of Funding

1. Parties must disclose and make available to the Standing Committee on Elections Finances all documentation requested regarding sources of funding, including, but not limited to, membership dues, individual contributions, business donations, Political Action Committees (PAC), lobbies, corporate sponsorships, etc;

##### 19.3 Disclosure of Expenditures

1. Parties must disclose and make available to the Standing Committee on Elections Finances all documentation requested regarding expenditures, including, but not limited to, expenditures on behalf of individual candidates, and expenditures outside of individual campaigns;
2. The Standing Committee on Elections Finances power of audit is not restricted to documentation regarding Party Spending, as defined in Section 19.1;

##### 19.4 Expenditure Limitations

Party Spending shall be limited to \$500 per year per party;

##### 19.5 Sanctions

1. The Attorney General shall pursue charges against Party signatories who allegedly commit violations or fail to adhere to any of the rules above. The Attorney General shall not counsel any party members;

2. Failure to adhere to any of the rules above including, but not limited to, misrepresentation of funding sources, failure to report sources of funding, failure to report expenditures, etc. will result in the following sanctions:
- a. One censure to every senate candidate on the party slate during that year's ASUC Elections, and two censures to every executive candidate on the party slate during that year's ASUC Elections;
  - b. Disciplinary probation for the following academic year, for the entire year. The Judicial Council will determine terms of this probation. The sanctioned Party must prove an adherence to these terms to lift disciplinary probation."



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**A Bill in Support of an Acknowledgement of Limits on Campaign Spending**

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**Authored by Former Senator Salahi and Former Senator Horning  
Sponsored by Former Senator Salahi and Former Senator Horning and Senator Noah Ickowitz**

**WHEREAS**, Article VII, Section 6, Points A and B of the ASUC Constitution entitled “Campaign Finance” currently read:

“A. Executive Officer candidates and/or their parties which act in coordination with the candidate are allowed to spend up to \$1,000 on their ASUC campaign. Senate candidates and/or their parties which act in coordination with the candidate are allowed to spend up to \$200 on their ASUC campaign

B. These provisions must be administered by a member of the Elections Council.”; and

**WHEREAS**, the above clause allows Parties to spend money on behalf of the candidate; however, no candidate is required to acknowledge either the above clause, nor any other restrictions in the By-Laws;

**THEREFORE BE IT RESOLVED**, that there be a Section 6.4 added to Title IV, Article VI to read:

“6.4 Disclosure and Acceptance of Campaign Finance Restrictions

Each candidate shall file a Disclosure and Acceptance of Campaign Finance Restrictions with the Elections Council during the Filing Period. The Disclosure and Acceptance of Campaign Finance Restrictions Form shall include;

1. The Candidate's Name as it appears on their UC Berkeley Student Identification;

2. The Office the Candidate is seeking;

3. The Signature of the Candidate;

4. The Signature of the Party Signatory;

5. A Statement, “As a candidate for ASUC elected office, I, the undersigned, acknowledge the spending limits as defined by Title IV, Article XVIII of the ASUC By-Laws of \$200 per Senate candidate and \$1000 per executive office. I understand that this limitation prohibits any money beyond \$200 or \$1000, depending on the office for which I am a candidate, from being spent on my behalf, for my campaign in this election. Furthermore, I understand that I cannot be required to contribute any dollar amount beyond the amount of my own choosing towards my campaign, and that in the eyes of the ASUC Judicial Council, I will be held personally liable for any infractions of these rules and regulations.

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**A Bill in Support of an Assistant Senate Finance Officer**

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**Authored by Senator Chia, Senator Ickowitz, ASUC Finance Officer Victor Chen  
Sponsored by Senator Chia and Senator Ickowitz**

**WHEREAS**, Sections 2, 3, and 5 of Article VI of the ASUC Constitution currently states:

**SECTION 2: SENATE FINANCE OFFICER**

The Senate Finance Officer shall be a student appointed by the President, with the following responsibilities:

- A. To provide advice and assistance to the Senate Finance Committee and to act for the Finance Committee when the Senate is not in session.
- B. To be in charge of the annual budget process for the parts of the Association over which the Senate has sole authority (Section 1).
- C. To ensure that student services and operations groups stay within their budgets.
- D. To be responsible for other financial matters as are assigned to him/her by the Senate or the Senate Finance Committee.

**SECTION 3: SENATE FINANCE COMMITTEE**

- A. The Senate Finance Committee shall be composed of the Finance Officer, seven (7) Senators, the President and the Executive Vice President.
- B. The Senate Finance Committee shall meet at the call of the Executive Vice-President, the Chair of the Finance Committee, the Finance Officer, or any three (3) Senators thereof. Five (5) members shall constitute a quorum.
- C. Functions and Powers
  - 1. The committee shall participate in budget hearings conducted by the Senate Finance Officer to allocate revenues to student activities and services, and report to the Senate a recommended annual budget for the Association.
  - 2. All new appropriations of funds for Association activities, all modifications to annual appropriations for activities under the sole authority of the Senate (Section 1), shall be presented to the Senate Finance Committee for its consideration, and shall then be forwarded to the ASUC Senate for final action.

**SECTION 5: FISCAL EMERGENCY**

- A. If at any time the Senate Finance Officer, President, or any five (5) Senators have reason to believe that expenditures for the fiscal year will exceed revenues from that fiscal year, such person or persons may appeal to the Judicial Council for a full or partial freeze on parts or all of the Association's budget. The Senate shall immediately be notified of such appeal and the reasons for requesting the freeze.
- B. Such a freeze shall remain in effect until the Judicial Council Finds that the Senate has taken effective action to balance the budget of the Association; and,

**WHEREAS,** the ASUC struggles with issues related to high turnover and a lack of retention of institutional knowledge, and;

**WHEREAS,** the Senate Finance Officer is an appointed position that does not have any official means of passing on the duties, obligations, and experience of fulfilling; and,

**WHEREAS,** from past experience and discussions, there is a bit of adjustment time at the very beginning for both the Senate Finance Committee and for the Senate Finance Officer, which causes inconsistency with Finance Committee rulings; and,

**WHEREAS,** several Senators and the current Senate Finance Officer have discussed the benefits of having an Assistant Senate Finance Officer who starts in the Spring in order to learn and help with the duties of the Senate Finance Officer; and,

**WHEREAS,** the Assistant Senate Finance Officer would be an ex-officio, non-voting member of the Senate Finance Committee, and is not obligated to be appointed as the official Finance officer by the ASUC President in the Fall Semester; and,

**WHEREAS,** it is possible that in future years, the length of the Senate Finance Officer's term be extended to 1.5 years in order to make transitions smoother from Finance Officer to Finance Officer; and,

**THEREFORE BE IT RESOLVED,** that Sections 2 and 3 of Article VI of the ASUC Constitution be amended as follows:

**SECTION 2: SENATE FINANCE OFFICER**

The Senate Finance Officer shall be a student appointed by the President, with the following responsibilities:

- A. To provide advice and assistance to the Senate Finance Committee and to act for the Finance Committee when the Senate is not in session.
- B. To be in charge of the annual budget process for the parts of the Association over which the Senate has sole authority (Section 1).

- C. To ensure that student services and operations groups stay within their budgets.
- D. To be responsible for other financial matters as are assigned to him/her by the Senate or the Senate Finance Committee.
- E. To recruit an Assistant Senate Finance Officer at the beginning of the Spring semester for the purpose of learning and assisting in his/her duties, which will be approved by the Senate Finance Committee.

### SECTION 3: SENATE FINANCE COMMITTEE

- A. The Senate Finance Committee shall be composed of the Finance Officer, seven (7) Senators, the President and the Executive Vice President.
- B. The Senate Finance Committee shall meet at the call of the Executive Vice-President, the Chair of the Finance Committee, the Finance Officer, or any three (3) Senators thereof. Five (5) members shall constitute a quorum.
- C. Functions and Powers
  - 1. The committee shall participate in budget hearings conducted by the Senate Finance Officer and the Assistant Finance Officer to allocate revenues to student activities and services, and report to the Senate a recommended annual budget for the Association.
  - 2. All new appropriations of funds for Association activities, all modifications to annual appropriations for activities under the sole authority of the Senate (Section 1), shall be presented to the Senate Finance Committee for its consideration, and shall then be forwarded to the ASUC Senate for final action.

**THEREFORE BE IT FINALLY RESOLVED**, that these amendments be adopted by the ASUC Senate and enacted for the 2012-20123 academic year.

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**A Bill in Support of Replenishing the Senate Contingency Fund**

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**Authored by Senator Shirinian**

**Sponsored by Senator Abbasi, Senator Albright, Senator Chia, Senator Diaz, Senator Lam,  
Senator Shin, Senator Shirinian, Senator Sayarath**

**WHEREAS,** The Associated Students of the University of California (ASUC) Senate is currently allocating funds to student organizations for various projects, programs, and activities led by students of the University of California, Berkeley; and

**WHEREAS,** The ASUC Senate is running short on funds necessary to continue funding major events and projects hosted by these organizations; and

**WHEREAS,** The ASUC Senate prioritizes the needs of students financially through the Senate Contingency Fund for allocations specific to programs and events presented in main motions; and

**WHEREAS,** The ASUC Senate would like to continue supporting major efforts throughout this campus; and

**THEREFORE IT BE RESOLVED,** that the ASUC Senate allocate \$6,000 from the Carry Forward Fund to the Senate Contingency Fund.